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for April 26, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit No. 1763A

PROPOSAL: Lyle Loth, for Jack Herbert, has requested an extension of time to this special permit for the excavation of sand, gravel and soil.

LOCATION: Generally located north and west of the corner of N 70th and Arbor Road.

LAND AREA: 73.82 acres, more or less.

CONCLUSION: This is an extension in time of an existing permit. Generally in conformance with the Comprehensive Plan.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 8 Irregular Tract (now Lot 44 I.T.) in the Northeast Quarter of Section 28, Township 11 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: AG, Agriculture

EXISTING LAND USE: Soil Excavation

PURPOSE: Continue soil, sand and gravel excavation.

SURROUNDING LAND USE AND ZONING:

North: Interstate 80, landfill and agriculture

AG Agriculture

South: farming/ag land

AG Agriculture

East: residence, farm ground

AG Agriculture

West: soil excavation/commercial

H-4 Commercial

COMPREHENSIVE PLAN SPECIFICATIONS: In Conformance. The 2025 Lincoln-Lancaster County Comprehensive Plan shows this area as commercial. Soil excavation is a specially permitted use in the AG Agriculture zoning district. This is an existing operation.

HISTORY: Special Permit 1763 for soil excavation on this site was approved by City Council, after appeal of Planning Commission, on May 10 1999, for a period of five years. An excavation special permit, #1530, was approved in December 1994, but has expired. The land to the west of this was changed from AG Agriculture to H-4 General Commercial in June 1994. Changed from AA Rural and Public Use to AG Agriculture with the adoption of the 1979 Zoning Update.

SPECIFIC INFORMATION:

UTILITIES: Not available. This area is in the future urban service area shown in the Comprehensive Plan.

TOPOGRAPHY: Gently rolling hills, falling off to the south and east, however, prior excavation has leveled part of this site.

TRAFFIC ANALYSIS: Arbor Road, and N. 70th are county paved roads.

PUBLIC SERVICE: This area is served by the Waverly School District, the Waverly Rural Fire District, and is in the LES service area.

REGIONAL ISSUES: The Ethel S. Abbot Sports Complex is located about ½ mile southeast of this site off of 70th Street. The most direct route to the soccer fields from Interstate 80 is the 56th Street Interchange to Arbor Road to 70th Street. This route goes past the soil excavation site.

ENVIRONMENTAL CONCERNS: The proposed excavation includes issues of dust control, erosion control, restoration of topsoil and vegetation, sedimentation control, and potential groundwater contamination impacts. There are no Historic or Ecological resources identified on or near this site. The soil rating is 6.7. This is not prime agriculture soil and has been disturbed by prior excavation.

AESTHETIC CONSIDERATIONS: This site abuts the Interstate 80 right-of-way and is along an entry-way corridor into the city. Additionally, people accessing the soccer field from 56th Street along Arbor Road will pass this site.

ALTERNATIVE USES: Agricultural.

ANALYSIS:

1. This is an existing special permit for a sand, gravel, and soil excavation operation on a 73.82 acre site generally located on the north side of Arbor Road between North 56th and 70th streets. The existing permit expired May 11, 2004.
2. The applicant is requesting that the permit be renewed. No changes to the site plan are requested. The practice for excavation permits has been for 3 years with annual renewal by administrative amendment. However, this seems to be a very short period of time and if there are problems with dust the Health code does apply..
3. The prior permit was approved in May 10, 1999 for a period of five years, ending on May 11, 2004 .
4. A prior issue of the operation at this site was dust, the prior permit was conditioned on the paving of Arbor Rd. to resolve the issue. Arbor Road was paved during the summer (July-August) of 2000.
5. If approved, the language would allow the permit to continue for three years to May 11, 2007.

CONDITIONS:

1. This approval permits a soil, sand and gravel excavation operation for a period of three (3) years, which may be renewed by administrative amendment for one three year extension, provided there have been no violations.

General:

2. Before beginning operations:
 - 2.1 The construction plans shall comply with the approved plans.
 - 2.2 No grading shall occur along the Arbor Road without the written permission of the County Engineer.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:

- 3.1 All privately-owned improvements shall be permanently maintained by the owner.
 - 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.3 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
4. All resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@ci.lincoln.ne.us
Planner
May 8, 2004

APPLICANT: Lyle Loth
E.S.P.
601 Old Cheney Road, Suite A
Lincoln, NE 68512
(402) 421-2500

OWNER: Jack Herbert
8410 Navajo Trail
Lincoln, NE 68520
(402) 489-6081

CONTACT: Lyle Loth



Area of Application

Interstate 80

AG

H-3

H-1

AG

Arbor Rd.

H-4

N. 70th St.

H-2

I-1

N. 56th St.

Special Permit #1763A **N. 70th & Arbor Rd.** **Mining Permit**

2002 aerial

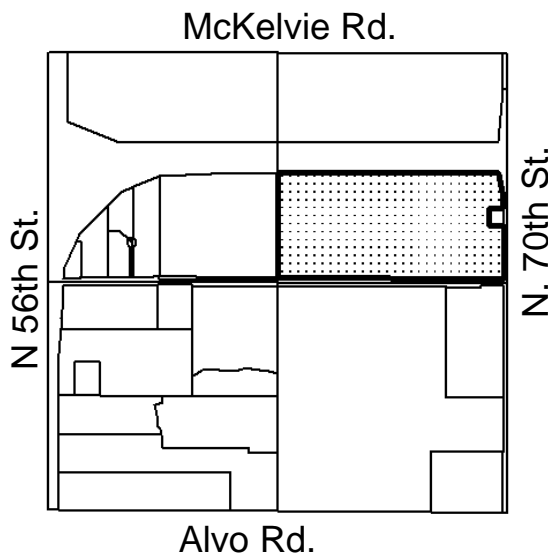
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 28 T11N R7E



Zoning Jurisdiction Lines
 City Limit Jurisdiction



McKelvie Rd.

N 56th St.

N. 70th St.

Alvo Rd.

Lincoln City - Lancaster County Planning Dept.



LYLE L. LOTH, P.E./L.S.

File No. 98-0200
April 19, 2004

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Lincoln-Lancaster Planning Dept.
555 South 10th St.
Lincoln, NE 68508
(402) 441-7491

Phone (402) 421-2500
Fax (402) 421-7096
Email: lyle@espeng.com

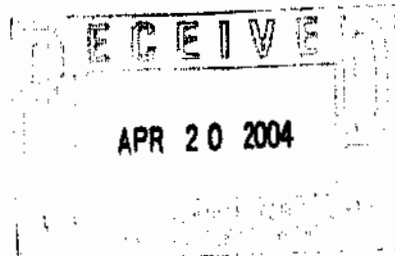
RE: Mining Permit Application for Lot 25, Sec. 28, T. 11N., R. 7E.

This statement of purpose is in reference to the above Mining Permit application. The owner, Jack Herbert, has contracted our firm, E.S.P., to file an application for a Mining Permit for the above referenced area. The owner has no interest at present in the surrounding area. Twelve copies of the proposed project accompany this purpose statement. The proposed phases for soil extraction are shown on the drawing as well as the proposed grades. Also included on the drawing are the general notes, which stipulate the guidelines for soil extraction and property maintenance.

For questions or concerns in reference to this project please feel free to contact me at the above number.

Thank you,

Lyle L. Loth
President, E.S.P., Inc.



Lancaster

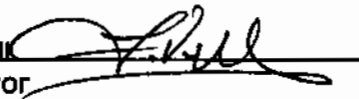
DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

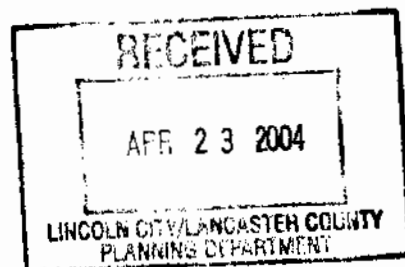
DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: April 22, 2004
TO: Mike Dekalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: SOIL EXCAVATION SPECIAL PERMIT #1763A - RENEWAL

Upon review, this office has no objections to this renewal, subject to existing conditions and agreement with the applicant remaining in effect.

LVW/cm

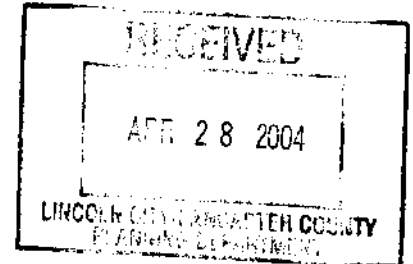
SPECIAL PERMITS EVENTS & OTHER/#1763A Renewal.Mem



INTER-DEPARTMENT COMMUNICATION



DATE: April 28, 2004
TO: Mike Dekalb, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: Special Permit #1763A
DN# 83N-68E



Attached is the Mining Permit Application for Lot 25, Section 28, TIIN, RTE.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will offer no objections to this permit application.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: May 4, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File

SUBJECT: Mining Permit - Herbert

EH Administration

SP #1763A

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following noted:

- All wind and water erosion must be controlled during mining operations. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the mining process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- The applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.